

**General Assembly**

Sixty-first session

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Held at Headquarters, New York, on Friday, 17 November 2006, at 3 p.m.

Chairman: Mr. Yousfi (Algeria)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

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Programme budget implications of draft resolution A/ES-10/L.19: Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory (continued)

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The meeting was called to order at 3.15 p.m.

Agenda item 117: Programme budget for the biennium 2006-2007 (continued)

Programme budget implications of draft resolution A/ES-10/L.19: Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory (continued) (A/C.5/61/12)

1. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, recalled that at the previous meeting her delegation had requested clarification concerning the time that the Advisory Committee on Administrative and Budgetary Questions (ACABQ) would require in order to complete its report on the programme budget implications of draft resolution A/ES-10/L.19. The imminent adjournment of the resumed tenth emergency special session meant that the report was urgently required if the Fifth Committee was to perform its statutory duty to the General Assembly.

2. **Ms. Soul** (Canada) queried the urgency to produce a report. It was more important that the Advisory Committee should have the time that it needed to carry out a thorough review of the programme budget implications of the draft resolution.

3. **The Chairman** said that the Chairman of the Advisory Committee would shortly be available to give a progress report on his Committee's deliberations.

The meeting was suspended at 3.25 p.m. and resumed at 3.40 p.m.

4. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee was obliged to consider all the technical aspects of a mission such as that requested in the draft resolution. It was proceeding as fast as it could, but it was still awaiting clarification or further information on a number of matters. It was not clear, for example, whether the proposed fact-finding mission would be going to four locations, as stated in document A/C.5/61/12, paragraph 3, or five, as had been suggested elsewhere. He also recalled that it was the Committee's tradition to produce unanimous reports, which was inevitably more time-consuming.

5. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, stressed the urgency of the situation. The Fifth Committee was required to take

action under rule 153 of the rules of procedure. It was hard to see why deliberations over the relatively modest sum of \$131,000 should be so protracted.

The meeting was suspended at 3.55 p.m. and resumed at 4.35 p.m.

6. **The Chairman** said that the Advisory Committee had not yet completed its deliberations.

7. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, expressed dismay at the politicization of the Advisory Committee, which was supposed to consider only technical issues, and requested that the adjournment of the resumed special session should be delayed in order to enable the Advisory Committee to produce its report.

8. **The Chairman** said that, following a further brief suspension, the Committee would take action.

9. **Mr. Wallace** (United States of America) expressed the hope that such action would not take the form of waiving rule 153 of the rules of procedure, which would be unprecedented.

The meeting was suspended at 4.40 p.m. and resumed at 5.40 p.m.

10. **Ms. Van Buerle** (Director, Programme Planning and Budget Division) introduced the statement of programme budget implications of draft resolution A/ES-10/L.19 (A/C.5/61/12). Should the General Assembly adopt the draft resolution, it would be required to approve an additional appropriation of \$131,200 under section 3, Political affairs, of the programme budget for the biennium 2006-2007.

11. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related oral report of the Advisory Committee on Administrative and Budgetary Questions,* said that the Advisory Committee had requested and received information on the state of expenditures under section 3 of the programme budget for the biennium 2006-2007. On that basis, and taking into account the possibility of obtaining assistance from other United Nations entities in the area, where feasible, the Advisory Committee took the view that requirements relating to draft resolution A/ES-10/L.19 should be absorbed to the extent possible and reflected in the performance report on the programme budget for

* Subsequently issued as document A/61/587.

the biennium 2006-2007.

12. **Mr. Abellan** (Secretary of the Committee), read out the following oral draft decision:

"The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General and the related oral report of the Advisory Committee on Administrative and Budgetary Questions,

(a) *Decides* to inform the General Assembly that the adoption of draft resolution A/ES-10/L.19 would not give rise to any additional requirements under section 3, Political affairs, of the programme budget for the biennium 2006-2007 at the present stage;

(b) *Decides also* that any additional resources, as may be necessary, will be reported in the context of the second performance report."

13. **Mr. Wallace** (United States of America), speaking on a point of order, said that he would like to see a written text of the draft decision before taking any further action.

14. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, pointed out that it was the established practice of the Fifth Committee to take action on oral draft decisions.

The meeting was suspended at 5.50 p.m. and resumed at 6 p.m.

15. **Mr. Wallace** (United States of America) asked whether there would be an overlap between the fact-finding mission referred to in resolution A/HRC/RES/S-3/1 of the Human Rights Council and the mission referred to in draft resolution A/ES-10/L.19.

16. **Mr. Goryayev** (Department of Political Affairs) said that the mission to be dispatched by the Human Rights Council had three specific objectives: to assess the situation of victims, address the needs of survivors, and make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults. That mission, by its very nature, was designed to address the human rights dimension of the assault on Beit Hanoun and would be composed of high-level officials. While the terms of reference of the mission contemplated in draft resolution A/ES-10/L.19 would be finalized only after the adoption of that text, it would be broader in scope than the Human Rights

Council mission, assessing all the circumstances surrounding the tragic incident that had taken place at Beit Hanoun on 8 November 2006.

17. **Mr. Wallace** (United States of America) enquired about the extent to which the Secretariat intended to draw on existing resources in the surrounding area to fund its fact-finding mission.

18. **Ms. Van Buerle** (Director, Programme Planning and Budget Division) said that, wherever possible and in line with established practice, existing resources from United Nations entities in the surrounding area would be used to fund the fact-finding mission, on either a reimbursable or a non-reimbursable basis.

19. **Mr. Wallace** (United States of America), referring to the oral report of the Advisory Committee, requested clarification of the phrase "absorbed to the extent possible".

20. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, wished to know whether, following the adoption of the Advisory Committee's recommendations, the Secretariat would be able to implement the provisions of draft resolution A/ES-10/L.19 unhindered.

21. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), responding to the question put by the representative of the United States of America, said that the phrase "to the extent possible" had been used because, in view of the time constraints, the Advisory Committee had been unable to obtain all the necessary information from United Nations entities in the area.

22. **Ms. Van Buerle** (Director, Programme Planning and Budget Division), responding to the question put by the representative of South Africa, drew the Committee's attention to similar resolutions it had adopted on other matters. In those cases, the Secretariat had used existing resources to implement the relevant activities and, where appropriate, had reported any additional expenditure to the General Assembly in the context of the second performance report.

23. **Mr. Hill** (Australia) said that, as he understood it, the mandates of the two fact-finding missions to Beit Hanoun would be very similar, although the General Assembly's mission would be broader in scope. Would that overlap be taken into consideration when and if the proposed budget for the Human Rights Council was referred back to the Fifth Committee and ACABQ?

24. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that, while he respected the right of other delegations to ask questions, the issues currently being raised were of a political nature. Speculative remarks about possible activities of the Human Rights Council would not advance the work of the Fifth Committee, which must act expeditiously on the oral draft decision before it.

25. **Mr. Goryayev** (Department of Political Affairs) acknowledged that the two fact-finding missions would deal with the same subject matter, although the Human Rights Council mission would be composed of eminent personalities. However, while the Human Rights Council had already defined clear terms of reference for its mission, the specific mandate of the mission referred to in draft resolution A/ES-10/L.19 would be determined by the Secretary-General once the text had been adopted. It was therefore difficult to say whether there would be any overlap.

26. **Ms. Pehrman** (Finland), speaking on behalf of the European Union, emphasized the importance for delegations of obtaining answers to their questions. She was pleased that, in accordance with established practice, the Fifth Committee would be able to consider the oral draft decision in the light of the Advisory Committee's oral report.

27. **Mr. Wallace** (United States of America) asked whether, given the similarities between the two fact-finding missions, their costs would be identical.

28. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that he did not have any information about the financial implications of the decision taken by the Human Rights Council.

29. **Ms. Van Buerle** (Director, Programme Planning and Budget Division) said that the two fact-finding missions had slightly different purposes. The Human Rights Council mission had a specific mandate to look into the human rights situation, whereas the mission referred to in draft resolution A/ES-10/L.19 was broader in scope. The programme budget implications of the decision taken by the Human Rights Council would be addressed at a later stage.

30. **The Chairman** invited the Committee to take action on the oral draft decision.

31. **Mr. Wallace** (United States of America) said that, since he did not support the one-sided draft resolution

contained in document A/ES-10/L.19, he could not agree to the adoption of the oral draft decision currently before the Committee. Just one day previously, the Third Committee had adopted a draft resolution stressing the need to avoid politically motivated and biased country-specific resolutions (A/C.3/61/L.31/Rev.1), yet the text of document A/ES-10/L.19 was clearly politically motivated and biased in its treatment of the State of Israel. He therefore questioned whether such resolutions furthered the objectives of the United Nations as set out in the Charter and whether they represented a good use of resources.

32. While the United States strongly believed in the principle of consensus in the Fifth Committee, it was unable to join any consensus on the issue at hand and requested a recorded vote on the oral draft decision.

33. **Mr. Carmon** (Israel) said that, while he was a firm supporter of the principle of consensus in the Fifth Committee, he would be unable to join the consensus on the oral draft decision because his delegation could not agree to spending additional financial resources on the implementation of a political agenda. The reconvening of the tenth emergency special session was yet another example of Member States abusing the procedures of the General Assembly, and the oral draft decision currently before the Committee paved the way for the adoption of a highly politicized, biased and one-sided draft resolution, which ignored a fundamental reality, namely, that Palestinian terror compelled Israel to exercise its basic right to self-defence. The draft resolution also failed to call for the Palestinian leadership to fulfil its national responsibilities by recognizing Israel and curbing violent acts.

34. If the United Nations wished to play a genuine role in the Middle East, direct negotiations based on the mutual recognition of rights and responsibilities were the only way forward. Rhetoric must not be confused with progress. In that connection, the very title of draft resolution A/ES-10/L.19, which referred to illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, prejudged the outcome of the fact-finding mission.

35. A recorded vote was taken.

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh,

Barbados, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

since the Human Rights Council had already agreed to send its own mission.

38. The United Nations should focus on bringing the parties to the conflict together in order to seek a comprehensive settlement rather than on launching an inquiry that would serve only the short-term political interests of certain delegations and even exacerbate the situation.

39. **Ms. Pehrman** (Finland), speaking on behalf of the European Union, said that she had voted in favour of the adoption of the oral draft decision because she could agree to the technical proposals contained therein. However, it was unfortunate that the Fifth Committee had been compelled to deviate from the principle of consensus; she hoped that every effort would be made to avoid further such occurrences in future.

40. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, expressed concern at the manner in which the statement of programme budget implications had been dealt with and stressed the need for the Fifth Committee to continue to exercise its role as a technical body.

41. **Mr. Kozaki** (Japan) expressed regret that the Fifth Committee had been unable to adhere to the principle of consensus. He trusted that the Secretary-General would make every effort to absorb any additional expenditure incurred in connection with the fact-finding mission.

The meeting rose at 6.35 p.m.

Against:

Australia, Israel, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Canada, Kenya.

36. *The oral draft decision was adopted by 143 votes to 5, with 2 abstentions.*

37. **Mr. Hill** (Australia) said that he had voted against the adoption of the oral draft decision because he did not believe that the fact-finding mission would make a meaningful contribution to resolving the Middle East crisis. Accordingly, it should not be funded, even within existing resources, particularly



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Fifth Committee

Summary record of the 24th meeting

Held at Headquarters, New York, on Wednesday, 22 November 2006, at 10 a.m.

Chairman: Mr. Yousfi (Algeria)
*Chairman of the Advisory Committee on Administrative
and Budgetary Questions:* Mr. Saha

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The meeting was called to order at 10.10 a.m.

Agenda item 139: Financing of the United Nations Mission in Ethiopia and Eritrea (A/61/521 and A/61/575)

1. **Mr. Sach** (Acting Under-Secretary-General for Management), introducing the report of the Secretary-General on the revised budget for the United Nations Mission in Ethiopia and Eritrea for the period from 1 July 2006 to 30 June 2007 (A/61/521), said that, following the decision of the Security Council, in its resolution 1681 (2006), to authorize reconfiguration of the Mission's military component and the decision of the General Assembly, in its resolution 60/272, to appropriate to the Special Account for the Mission funds for the period from 1 July 2006 to 30 June 2007, the Mission's military personnel had been reduced from 3,404 to 2,300, and its budget had been reduced by 16.7 per cent.

2. In line with the principle of results-based budgeting, the various specific outputs of the Mission had been revised to take account of the changes in staffing and resources, as well as delayed deployment and estimated vacancy rates for national and international staff. Recalling that Member States had already been asked for assessments of \$91 million to cover the costs of the Mission until 31 December 2006, he indicated that the General Assembly was being invited to take the action described in paragraph 25 of the report of the Secretary-General, which reflected the revised appropriation, the reduced income from staff assessment and the residual unassessed costs for the Mission.

3. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/61/575), said that when the Mission prepared its financial performance report for 2005/06 and its budget for 2007/08 it should provide more information on the full effects of the reconfiguration of staffing requirements, the redeployment of posts and the relationship between the military, substantive civilian and support components, as well as details of the workload of the Conduct and Discipline Team and quick-impact projects.

4. Having requested and received information on the potential savings generated by delayed deployment of the civilian and military components of the Mission,

diesel restrictions and the Eritrean authorities' continued ban on helicopter flights, the Advisory Committee recommended that the revised estimates should be reduced by approximately \$8.1 million, but also that part of the reduction should be restored if the flight ban was lifted before 30 June 2007 and if supported by budget implementation data.

Agenda item 126: United Nations pension system
(*continued*) (A/61/9 and A/61/545; A/C.5/61/2)

5. **Mr. Sach** (Acting Under-Secretary-General for Management) said that, while the Secretariat had responded, in informal consultations held on 16 November 2006, to most of the issues raised by delegations and by the Advisory Committee at the Committee's 20th meeting, held on 10 November 2006, one matter must be further clarified. Although the Advisory Committee had supported the decision of the United Nations Joint Staff Pension Board and Investments Committee to endorse passive management of the Fund's North American equities portfolio, it had disagreed that such management should be outsourced, preferring the Investment Management Service to carry out that function. It had also urged a comprehensive review of the objectives, costs and timing of any new indexing approach. At its meeting on 13 November 2006, the Investments Committee, in the light of the Advisory Committee's views, had re-examined its earlier recommendations on indexation and external management of the North American equities portfolio, and had reaffirmed those recommendations. In a paper provided to the Committee in informal consultations on 20 November 2006 the Secretariat had indicated that external management would be \$625,000 per year cheaper than internal management, and was expected also to permit more precise tracking, thereby avoiding upward or downward deviations of \$30 million per year.

Agenda item 121: Pattern of conferences (*continued*)
(A/C.5/61/L.6)

Draft resolution A/C.5/61/L.6: Pattern of conferences

6. *Draft resolution A/C.5/61/L.6 was adopted.*

7. **Ms. Lock** (South Africa), speaking in explanation of position on behalf of the Group of 77 and China, said that the Group attached great importance to the establishment of clear lines of accountability for the submission, processing and issuance of documentation.

Recalling that the General Assembly, in its resolution 60/236 B, had requested the Secretary-General to report to it on those matters, the Group regretted that the Committee on Conferences had been unable to make specific recommendations on improving accountability because the comprehensive report of the Secretary-General on the pattern of conferences (A/61/129) lacked sufficient detail in that regard. It trusted that the next report to the General Assembly on the pattern of conferences would include enough information to enable the Committee on Conferences to fulfil the mandate given to it in section IV, paragraph 5, of the draft resolution.

8. The Group was also concerned at the violations of the rules relating to the issuance of all parliamentary documents in all official languages. As an example, the comprehensive annual report requested by the General Assembly in its resolution 60/283 on investing in the United Nations for a stronger Organization worldwide had been issued and placed in the public domain in only one language, disregarding proper procedure. The Group trusted that the Bureau would resolve that matter before the Committee took up the comprehensive annual report. As a further example, the collection of data on multilateral, regional and bilateral agreements which the General Assembly had requested in paragraph 10 (a) of the Declaration on Measures to Eliminate International Terrorism contained in the annex to its resolution 49/60 had been published in English and French only. The Secretariat, particularly the Department for General Assembly and Conference Management, must comply fully with the mandates of the General Assembly and publish parliamentary documentation in all official languages.

9. Lastly, the Group emphasized that summary and verbatim records must be issued on time, in hard copy and simultaneously in all official languages, and looked forward to receiving more information on the progress of the integrated global management project.

Agenda item 117: Programme budget for the biennium 2006-2007 (continued)

Renovation of the residence of the Secretary-General (continued) (A/C.5/61/L.8)

Draft resolution A/C.5/61/L.8: Renovation of the residence of the Secretary-General

10. *Draft resolution A/C.5/61/L.8 was adopted.*

11. **Ms. Lock** (South Africa), speaking in explanation of position on behalf of the Group of 77 and China, said that the Group took the view that the issue of renovating the residence of the Secretary-General should have been addressed sooner in order to avoid cost escalation and to ensure that the Secretary-General and his family lived in a comfortable and safe environment.

12. Recalling that, at the Committee's 13th meeting, held on 31 October 2006, the Group had expressed its concern at the Advisory Committee's recommendation that efforts should be made to absorb the costs of the project within existing appropriations under sections 1 and 32 of the budget (A/61/523, para. 13), she indicated that the Group had approved the content of paragraph 2 of the draft resolution after being assured by the Secretariat that such efforts would not result in delays to projects already approved by the General Assembly under section 32 of the budget, and that project expenditure would be reported upon in the context of the second performance report. The group wished the Secretariat to comply with the requests made by the Committee in paragraphs 6 and 9 of the draft resolution.

13. **Ms. Pehrman** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Iceland, Liechtenstein, Moldova, Norway and Ukraine, expressed support for the recommendations of the Advisory Committee, trusted that every effort would be made to absorb project costs within the approved appropriations under sections 1 and 32 of the budget and looked forward to receiving details of the expenditure in the context of the second performance report on the budget for the biennium.

14. **Ms. Shah** (United States of America) said that her delegation supported the recommendations of the Advisory Committee and understood that the General Assembly, by adopting the draft resolution, would ensure that the schedule for the renovation works would be adhered to and that the project cost would be absorbed within appropriations approved under the relevant sections of the budget.

The meeting rose at 10.35 p.m.